
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

MALIBU MEDIA, LLC,

Plaintiff,

v.

Civil Action No. 3:14-cv-00376-WHR

MIKE KROETZ,

Defendant.

**~~PROPOSED~~ DEFAULT JUDGMENT AND
PERMANENT INJUNCTION AGAINST MIKE KROETZ**

THIS CAUSE is before the Court on Plaintiff's Motion for Default Judgment Against Mike Kroetz ("Motion"). Having considered the Motion, being otherwise duly advised in the premises, and good cause appearing, the Court hereby

FINDS:

1. The address of Plaintiff is:

409 W. Olympic Blvd., Suite 501
Los Angeles, CA 90015

2. The name and address of Defendant is:

Mike Kroetz
77 Lammers Avenue
Dayton, OH 45459

3. This Court has jurisdiction over the subject matter of this case and the parties.
4. Venue is proper in this District.

5. The Amended Complaint states claims for direct copyright infringement, in violation of 17 U.S.C. § 106, and contributory copyright infringement upon which relief may be granted against Defendant.

6. Defendant has failed to plead or otherwise defend against Plaintiff's Amended Complaint in this action.

7. Default was entered as to Defendant on June 16, 2015.

8. Defendant is not a minor, incompetent person or in active military service.

9. By reason of default, Defendant has admitted the truth of the allegations in Plaintiff's Amended Complaint.

10. Under Count I of the Amended Complaint, Defendant is hereby found liable to Plaintiff for willfully committing direct copyright infringement.

11. Defendant will continue to cause Plaintiff irreparable injury. Specifically, there is an existing threat of continued violations of Plaintiff's exclusive rights to reproduce, distribute, perform and display the 29 copyrighted works listed on Exhibit A attached hereto (the "Works") through Defendant's use of the BitTorrent protocol to upload and download the Works between and among peer users without authorization from Plaintiff.

12. There will be no injury to Defendant caused by entry of a permanent injunction requiring Defendant to cease infringing Plaintiff's Works.

13. Entry of a permanent injunction against Defendant is in the public interest because it "preserv[es] the integrity of copyright laws which encourage individual effort and creativity by granting valuable enforceable rights." *DSC Communications Corp. v. DGI Technologies*, 898 F. Supp.1183, 1196 (N.D. Tex. 1995).

14. In accordance with Rule 65(d), Federal Rules of Civil Procedure, this Default Judgment shall be binding upon Defendant and all other persons in active concert or participation with Defendant who receive actual notice of this Default Judgment.

15. Plaintiff has submitted a Declaration demonstrating that Plaintiff expended a total of \$1,657.00 in attorneys' fees and costs, which amount this Court finds reasonable.

Based on the foregoing findings, it is:

ORDERED AND ADJUDGED that Defendant Mike Kroetz:

(a) shall pay to Plaintiff the sum of \$65,250.00 in statutory damages, as authorized under 17 U.S.C. § 504(c)(1), and \$1,657.00 for attorneys' fees and costs, as authorized under 17 U.S.C. § 505, making a total of \$66,907.00, **for which let execution issue forthwith;**

(b) shall pay to Plaintiff post-judgment interest at the current legal rate allowed and accruing under 28 U.S.C. § 1961 as of the date of this Default Judgment until the date of its satisfaction;

(c) be and hereby is enjoined from directly, contributorily or indirectly infringing Plaintiff's rights under federal or state law in the Works, including, without limitation, by using the internet, BitTorrent or any other online media distribution system to reproduce (e.g., download) or distribute the Works, or to make the Works available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiff.

(d) Be and is hereby ordered to destroy all copies of Plaintiff's works that the Defendant Mike Kroetz has downloaded onto any computer hard drive or server without Plaintiff's authorization, and shall destroy all copies of the Works transferred onto any physical medium or device in Defendant Mike Kroetz's possession, custody, or control.

(e) The Court shall retain jurisdiction over this action for six months or until the judgment is satisfied to entertain such further proceedings supplementary and to enter such further orders as may be necessary or appropriate to implement and enforce the provisions of this Default Judgment.

DONE AND ORDERED this 24th day of August, 2015.

By: 
UNITED STATES DISTRICT JUDGE

Copyrights-In-Suit for IP Address 71.67.137.57

ISP: Time Warner Cable

Location: Dayton, OH

Title	Registration Number	Date of First Publication	Registration Date	Most Recent Hit UTC
A Dream Of You	PA0001909516	08/15/2014	08/26/2014	08/17/2014
Apartment Number Four	PA0001835954	04/07/2013	04/29/2013	02/01/2014
At Home With Tiffany	PA0001880496	02/17/2014	02/21/2014	02/22/2014
Carry Me Home	PA0001908452	07/29/2014	08/04/2014	07/31/2014
Come from Behind	PA0001863248	09/23/2013	09/26/2013	10/26/2013
Date Night at Home	PA0001864689	09/29/2013	09/30/2013	03/28/2014
Double Tease	PA0001892183	04/17/2014	04/29/2014	05/17/2014
Floating Emotions	PA0001887126	04/05/2014	04/07/2014	05/17/2014
Good Morning Baby	PA0001847655	06/04/2013	06/18/2013	09/27/2013
Grow Up With Me	PA0001866185	10/17/2013	10/19/2013	10/26/2013
Happy Birthday Capri	PA0001846087	05/24/2013	06/17/2013	05/24/2013
Just Watch Part 2	PA0001902964	05/27/2014	06/06/2014	06/01/2014
Love at First Sight	PA0001872756	12/14/2013	12/15/2013	01/04/2014
Love with a View	PA0001863369	09/25/2013	09/27/2013	09/26/2013
Much Needed Vacation	PA0001866083	10/21/2013	10/21/2013	04/20/2014
New Romance	PA0001860972	08/05/2013	09/03/2013	09/28/2013
No Turning Back Part #1	PA0001874524	12/21/2013	12/30/2013	01/04/2014
No Turning Back Part #2	PA0001874525	12/27/2013	12/30/2013	01/04/2014
Party Boat	PA0001862485	09/15/2013	09/18/2013	09/27/2013
Perfect Timing	PA0001895848	05/07/2014	05/16/2014	06/01/2014
Play Me	PA0001847659	06/14/2013	06/30/2013	06/14/2013

EXHIBIT A

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Title	Registration Number	Date of First Publication	Registration Date	Most Recent Hit UTC
Pool Party For Three	PA0001859656	07/13/2013	08/01/2013	09/26/2013
Raw Passion	PA0001860979	08/18/2013	09/02/2013	11/21/2013
Rock Me Baby	PA0001907592	07/19/2014	07/25/2014	07/27/2014
Rolling in the Sheets	PA0001847653	06/01/2013	06/17/2013	06/02/2013
Two By Two	PA0001898093	05/23/2014	06/06/2014	06/01/2014
Wake Me Up Like This	PA0001862289	09/01/2013	09/08/2013	09/27/2013
Working Out Together	PA0001824841	01/30/2013	02/07/2013	04/19/2014
Yours Forever	PA0001907573	07/15/2014	07/25/2014	07/31/2014

Total Malibu Media, LLC Copyrights Infringed: 29

EXHIBIT A

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